

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

AUG 03 2011

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

No. 5:11-CT-3037-BO

QUINEA M. WAITERS,
Plaintiff,

v.


DR. SINGH, et al.,
Defendants.

ORDER

On February 18, 2011, plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 [D.E. 1]. On August 1, 2011, she filed a motion for voluntary dismissal [D.E. 7]. The matter is ripe for determination.

Federal Rule of Civil Procedure 41(a)(1) allows for the dismissal of an action voluntarily by a plaintiff through the filing of a notice of dismissal any time before service by the adverse party of an answer or of a motion for summary judgment. As of this date, only the complaint has been filed. Thus, upon full review of the matter, the court finds it appropriate to ALLOW the stipulation for a voluntary dismissal without prejudice [D.E. 7] pursuant Rule 41(a)(1). In doing so the March 17, 2011, order requiring payment of the entire \$350.00 filing fee [D.E. 6] is VACATED and the monies collected, if any, must be returned to Waiters' trust fund account. The Clerk is DIRECTED to notify the Department of Correction to cease drafting funds from Waiters' trust account for this case. Therefore, the Clerk is DIRECTED to CLOSE the case.

SO ORDERED, this the 3 day of August 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE